



Reprinted
February 11, 2015

HOUSE BILL No. 1483

DIGEST OF HB 1483 (Updated February 10, 2015 5:17 pm - DI 116)

Citations Affected: IC 20-28; IC 20-29; noncode.

Synopsis: Various education issues. Provides that if the school is closed on a noninstructional day on which the teacher is required to work or teacher professional development training or education is provided and the work day or the training or education is rescheduled, each teacher shall work on that rescheduled day without additional compensation. Provides that a district wide or school wide committee that has teacher members who are members of the exclusive representative and teacher members who are not members of the exclusive representative may address discussion topics subject to bargaining. Provides that if, at any time after at least 60 days following the beginning of bargaining collectively between the parties or August 1, whichever is later, an impasse is declared, the Indiana education employment relations board (IEERB) shall appoint a mediator. Provides for the reimbursement of a mediator in a collective bargaining proceeding. Provides that the IEERB, with mutual agreement by the parties, may appoint a financial consultant to assist a factfinder during mediation. Provides that collective bargaining may begin before August 1. Provides for reimbursement of IEERB by the parties involved in mediation. Provides that the complaint for an unfair
(Continued next page)

Effective: July 1, 2015.

Thompson

January 14, 2015, read first time and referred to Committee on Education.
January 27, 2015, amended, reported — Do Pass.
February 10, 2015, read second time, amended, ordered engrossed.

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Digest Continued

practice must be filed within three years after the alleged unfair practice or within three years after the date on which the school employer or school employee reasonably should have known of the alleged unfair practice. Provides that, upon mutual agreement by the parties, IEERB may appoint a mediator for informal mediation. Provides that a person who has served as a mediator in a dispute between a school employer and an exclusive representative may not serve as a factfinder in a dispute arising in the same school corporation within a period of two years except by the mutual consent of the parties. Changes the date in which a factfinding hearing in an impasse procedure must occur. Urges the legislative council to assign to an existing study committee the topic of determining appropriate and feasible incentives to encourage highly effective teachers to teach in poor performing schools.



Reprinted
February 11, 2015

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1483

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-28-9-15, AS ADDED BY P.L.1-2005,
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 15. **(a) Except as provided in subsections (b)**
4 **and (c),** if during the term of the teacher's contract:
5 (1) the school is closed by order of the:
6 (A) school corporation; or
7 (B) health authorities; or
8 (2) school cannot be conducted through no fault of the teacher;
9 the teacher shall receive regular payments during that time.
10 **(b)** If a canceled student instructional day (as defined in
11 IC 20-30-2-2) is rescheduled to comply with IC 20-30-2, each teacher
12 and (notwithstanding IC 20-27-8-7) each school bus driver shall work
13 on that rescheduled day without additional compensation.
14 **(c) If a school is closed under subsection (a) on a day that is not**
15 **an instructional day:**

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1 **(1) on which the teacher is required to work and that work**
2 **day is rescheduled; or**

3 **(2) on which teacher professional development training or**
4 **education is provided and the training or education is**
5 **rescheduled;**

6 **each teacher required to work or attend the teacher professional**
7 **development training or education shall work or attend the**
8 **training or education on that rescheduled day without additional**
9 **compensation.**

10 SECTION 2. IC 20-29-5-7, AS ADDED BY P.L.48-2011,
11 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2015]: Sec. 7. (a) This section does not apply to the
13 bargaining team for the exclusive representative.

14 (b) The percentage of teacher positions the exclusive representative
15 may appoint to serve on a statutory or locally created district wide
16 committee may not exceed the percentage of teachers in the school
17 corporation who are members of the exclusive representative. If
18 multiplying the number of teacher positions on the committee by the
19 percentage of teachers in the school corporation who are members of
20 the exclusive representative does not produce a whole number, the
21 product must be rounded up to the nearest whole number. The
22 percentage of positions applies to the number of teacher positions on
23 a committee and not to the total number of positions on a committee.

24 (c) The percentage of teacher positions the exclusive representative
25 may appoint to serve on a statutory or locally created school wide
26 committee may not exceed the percentage of teachers in the school who
27 are members of the exclusive representative. If multiplying the number
28 of teacher positions on the committee by the percentage of teachers in
29 the school who are members of the exclusive representative does not
30 produce a whole number, the product must be rounded up to the nearest
31 whole number. The percentage of positions applies to the number of
32 teacher positions on a committee and not to the total number of
33 positions on a committee.

34 (d) A committee to which this section applies may not address
35 subjects of bargaining under this article. A school employer's
36 appointment of a teacher to a committee is not an unfair practice as it
37 relates to the appointment of the teacher committee members.

38 (e) By September 15 of each school year, the local president or other
39 officer or designee of the exclusive representative shall certify by
40 affidavit to the school employer the number of teachers in each school
41 and in the entire school corporation who are members of the exclusive
42 representative.



SECTION 3. IC 20-29-6-7, AS AMENDED BY P.L.286-2013, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. **(a)** A school employer shall discuss **the items described in subsection (b)** with: ~~the exclusive representative of certificated employees~~ the following items:

- (1) a proportionate number of employees who are represented by an exclusive representative determined by the exclusive representative in the same manner as the percentage of teacher positions are determined under IC 20-29-5-7; and**
- (2) a proportionate number of employees who are not members who are represented by an exclusive representative determined by the superintendent in the same manner as the percentage of teacher positions are determined under IC 20-29-5-7.**

(b) The following items may be discussed with employees in a manner set forth in subsection (a):

- (1) Curriculum development and revision.
- (2) Selection of curricular materials.
- (3) Teaching methods.
- (4) Hiring, evaluation, promotion, demotion, transfer, assignment, and retention of certificated employees.
- (5) Student discipline.
- (6) Expulsion or supervision of students.
- (7) Pupil/teacher ratio.
- (8) Class size or budget appropriations.
- (9) Safety issues for students and employees in the workplace, except those items required to be kept confidential by state or federal law.
- (10) Hours.

SECTION 4. IC 20-29-6-12, AS AMENDED BY P.L.229-2011, SECTION 178, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. ~~Formal~~ Collective bargaining between a school corporation and the exclusive representative ~~shall not~~ **may** begin before:

- (1) August 1 in the first year of the state budget biennium; or
- (2) August 1 in the second year of the state budget biennium if the parties agreed to a one (1) year contract during the first year of the state budget biennium or the contract provides for renegotiating certain financial items the second year of a two (2) year contract.

~~Informal negotiations may be held before August 1.~~

SECTION 5. IC 20-29-6-13, AS AMENDED BY P.L.6-2012, SECTION 139, IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2015]: Sec. 13. (a) **At any time prior to declaring an impasse, the parties may request, by mutual agreement, informal mediation with a board appointed mediator. All costs of the informal mediation shall be borne equally by the parties. The parties shall determine the number of informal mediation sessions, but in no case may informal mediation take place beyond August 31.**

(b) If, at any time after at least sixty (60) days following the beginning of ~~formal~~ bargaining collectively between the parties **or after August 1, whichever is later**, an impasse is declared, the board shall appoint a mediator from the board's staff or an ad hoc panel.

~~(b)~~ (c) The mediator shall begin mediation within fifteen (15) days after the board receives notice of impasse.

~~(c)~~ (d) The mediation must consist of **at least one (1) but** not more than three (3) mediation sessions and must result in one (1) of the following:

(1) An agreement between the parties on the items permitted to be bargained under section 4 of this chapter.

(2) **The exchange of** each party's last best offer, including fiscal rationale, related to items permitted to be bargained under section 4 of this chapter.

~~(d)~~ (e) Costs for the mediator shall be borne equally by the parties. **The board will initially reimburse the mediator for the mediator's services performed. Parties shall reimburse the board by paying all costs associated with mediation within thirty (30) days after receiving the invoice from the board.**

~~(e)~~ (f) Mediation shall be completed within thirty (30) days.

SECTION 6. IC 20-29-6-15.1, AS ADDED BY P.L.229-2011, SECTION 181, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 15.1. (a) If an agreement has not been reached on the items permitted to be bargained collectively under section 4 of this chapter, within ~~fifteen (15)~~ **thirty (30)** days after mediation under section 13 of this chapter has ended, the board shall initiate factfinding.

(b) Factfinding must culminate in the factfinder imposing contract terms on the parties. The factfinder must select one (1) party's last best offer as the contract terms. The factfinder's order must be restricted to only those items permitted to be bargained and included in the collective bargaining agreement under section 4 of this chapter and must not put the employer in a position of deficit financing (as defined in IC 20-29-2-6). The factfinder's order may not impose terms beyond those proposed by the parties in their last, best offers.



(c) Upon mutual agreement of the parties, the board may appoint a financial consultant to assist the factfinder during the factfinding process. The financial consultant shall be selected by the factfinder. Costs for the factfinder and a financial consultant shall be borne equally by the parties. The board shall initially reimburse the factfinder or financial consultant for their services. Parties shall reimburse the board by paying all costs associated with the factfinding within thirty (30) days after receiving an invoice from the board.

(d) Factfinding may not last longer than fifteen (15) days.

SECTION 7. IC 20-29-7-4, AS ADDED BY P.L. 1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) Unfair practices are remediable under this section.

(b) A school employer or a school employee who believes the employer or employee is aggrieved by an unfair practice may file a complaint under oath:

- (1) setting out a summary of the facts involved; and
- (2) specifying the section or sections of this article alleged to have been violated.

The complaint must be filed within three (3) years after the alleged unfair practice or within three (3) years after the date on which the school employer or school employee reasonably should have known of the alleged unfair practice.

(c) The board shall:

- (1) give notice to the person or school employee organization against whom the complaint is directed; and
- (2) determine the matter raised in the complaint.

(d) Appeals may be taken under IC 4-21.5-3.

(e) A hearing examiner or agent of the board, who may be a member of the board, may:

- (1) take testimony; and
- (2) make findings and conclusions.

(f) The board, but not a hearing examiner or agent of the board, may enter the interlocutory orders, after summary hearing, the board considers necessary in carrying out the intent of this chapter.

SECTION 8. IC 20-29-8-7, AS AMENDED BY P.L. 229-2011, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. (a) When a factfinder is requested or required under IC 20-29-6, the board shall appoint a factfinder from the board's staff, **or if no member of the board's staff is able to serve as factfinder, the board may appoint a person who has been properly trained to serve as a factfinder.** ~~or panel~~



1 ~~established under section 6 of this chapter.~~

2 (b) The factfinder shall make an investigation and hold hearings as
3 the factfinder considers necessary in connection with a dispute.

4 (c) The factfinder:

5 (1) may restrict the factfinder's findings to those issues that the
6 factfinder determines significant;

7 (2) must restrict the findings to the items listed in IC 20-29-6-4;
8 and

9 (3) may not impose terms beyond those proposed by the parties in
10 their last, best offers.

11 (d) The factfinder may use evidence furnished to the factfinder by:

12 (1) the parties;

13 (2) the board;

14 (3) the board's staff; or

15 (4) any other state agency.

16 (e) The factfinder shall conduct the factfinding hearing in public in
17 a room or facility owned by the county or local unit of government
18 located in the county in which the school employer is located, or if the
19 school employer is located in more than one (1) county, in the county
20 in which the greatest number of students who attend the school
21 employer's schools reside. The public hearing may begin not earlier
22 than October 1 in the first year of the state budget biennium and must
23 be concluded by ~~December 31 of the same year.~~ **February 1 of the**
24 **following calendar year.**

25 (f) The factfinding process may not exceed fifteen (15) days from
26 beginning to end, and not more than two (2) of those days may be used
27 for public testimony, which may be taken at the discretion of the
28 factfinder. During the public hearing, each party shall present fully its
29 last, best offer, including the fiscal rationale for the offer. Only general
30 operating funds and those funds certified by the department of
31 education and the department of local government finance may be
32 considered as a source of the funding for items, unless the school
33 funding formula allows other funds to be used for certain items.

34 (g) The factfinder shall make a recommendation as to the settlement
35 of the disputes over which the factfinder has jurisdiction.

36 (h) The factfinder shall:

37 (1) make the investigation, hearing, and findings as expeditiously
38 as the circumstances permit; and

39 (2) deliver the findings to the parties and to the board.

40 (i) The board, after receiving the findings and recommendations,
41 may make additional findings and recommendations to the parties
42 based on information in:



1 (1) the report; or

2 (2) the board's own possession.

3 The board may not make any recommendations to the parties related to
4 any items not specifically identified in IC 20-29-6-4.

5 (j) At any time within five (5) days after the findings and
6 recommendations are delivered to the board, the board may make the
7 findings and recommendations of the factfinder and the board's
8 additional findings and recommendations, if any, available to the
9 public through news media and other means the board considers
10 effective.

11 (k) The board shall make the findings and recommendations
12 described in subsection (j) available to the public not later than ten (10)
13 days after the findings and recommendations are delivered to the board.

14 SECTION 9. IC 20-29-8-10.1, AS ADDED BY P.L.229-2011,
15 SECTION 184, IS AMENDED TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2015]: Sec. 10.1. A person who has served as
17 a mediator in a dispute between a school employer and an exclusive
18 representative may not serve as a factfinder in a dispute arising in the
19 same school corporation within a period of ~~five (5)~~ **two (2)** years
20 except by the mutual consent of the parties.

21 SECTION 10. [EFFECTIVE JULY 1, 2015] **(a) The general**
22 **assembly urges the legislative council to assign to an existing study**
23 **committee, for study during the 2015 legislative interim, the topic**
24 **of determining appropriate and feasible incentives to encourage**
25 **highly effective teachers to teach in poor performing schools.**

26 **(b) This SECTION expires November 1, 2015.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1483, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Delete pages 2 through 4.

Page 5, delete lines 1 through 17.

Page 7, between lines 9 and 10, begin a new paragraph and insert:
 "SECTION 7. IC 20-29-6-12, AS AMENDED BY P.L.229-2011, SECTION 178, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. ~~Formal~~ Collective bargaining between a school corporation and the exclusive representative ~~shall not~~ **may** begin before:

(1) August 1 in the first year of the state budget biennium; or

(2) August 1 in the second year of the state budget biennium if the parties agreed to a one (1) year contract during the first year of the state budget biennium or the contract provides for renegotiating certain financial items the second year of a two (2) year contract.

~~Informal negotiations may be held before August 1:~~

Page 7, line 12, after "(a)" insert "**At any time prior to declaring an impasse, the parties may request, by mutual agreement, informal mediation with a board appointed mediator. All costs of the informal mediation shall be borne equally by the parties. The parties shall determine the number of informal mediation sessions, but in no case may informal mediation take place beyond August 31.**

(b)".

Page 7, line 13, strike "formal".

Page 7, line 14, after "parties" delete "," and insert "**or after August 1, whichever is later,**".

Page 7, line 16, strike "(b)" and insert "**(c)**".

Page 7, line 18, strike "(c)" and insert "**(d)**".

Page 7, line 25, strike "(d)" and insert "**(e)**".

Page 7, line 30, strike "(e)" and insert "**(f)**".

Page 8, line 4, delete "The" and insert "**Upon mutual agreement of the parties, the**".

Page 9, line 24, reset in roman "fifteen (15)".

Page 9, line 24, delete "thirty (30)".



Page 10, delete lines 20 through 42.

Page 11, delete lines 1 through 9.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1483 as introduced.)

BEHNING

Committee Vote: yeas 11, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1483 be amended to read as follows:

Page 3, delete lines 2 through 19, begin a new paragraph and insert:
 "SECTION 3. IC 20-29-6-7, AS AMENDED BY P.L.286-2013, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. **(a)** A school employer shall discuss **the items described in subsection (b)** with: ~~the exclusive representative of certificated employees the following items:~~

- (1) a proportionate number of employees who are represented by an exclusive representative determined by the exclusive representative in the same manner as the percentage of teacher positions are determined under IC 20-29-5-7; and**
- (2) a proportionate number of employees who are not members who are represented by an exclusive representative determined by the superintendent in the same manner as the percentage of teacher positions are determined under IC 20-29-5-7.**

(b) The following items may be discussed with employees in a manner set forth in subsection (a):

- (1) Curriculum development and revision.
- (2) Selection of curricular materials.
- (3) Teaching methods.
- (4) Hiring, evaluation, promotion, demotion, transfer, assignment, and retention of certificated employees.
- (5) Student discipline.
- (6) Expulsion or supervision of students.
- (7) Pupil/teacher ratio.
- (8) Class size or budget appropriations.
- (9) Safety issues for students and employees in the workplace,

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except those items required to be kept confidential by state or federal law.
(10) Hours."

(Reference is to HB 1483 as printed January 27, 2015.)

THOMPSON

HOUSE MOTION

Mr. Speaker: I move that House Bill 1483 be amended to read as follows:

Page 2, line 35, reset in roman "this article."

Page 2, line 35, delete "IC 20-29-6-4."

Page 4, line 35, after "process." insert "**The financial consultant shall be selected by the factfinder.**".

Page 5, line 29, after "staff" delete "." and insert ", **or if no member of the board's staff is able to serve as factfinder, the board may appoint a person who has been properly trained to serve as a factfinder.**".

(Reference is to HB 1483 as printed January 27, 2015.)

BEHNING

